

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

HELGA COHEN, et al.,

Case No. 3:16-cv-01489-JMC

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

SEAN BRANHAM, et al.,

Case No. 3:16-cv-03072-JMC

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

MARTHA BROWN, et al.,

Case No. 3:16-cv-03053-JMC

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

BETTY GUERRA, et al.,

Case No. 3:16-cv-03054-JMC

Plaintiffs,

v.

UNITED STATES OF AMERICA,

Defendant.

NOLA HUFFMAN, et al.,
Plaintiffs,

Case No. 3:16-cv-03071-JMC

v.

UNITED STATES OF AMERICA,
Defendant.

CHARLES BROOKS, et al.,
Plaintiffs,

Case No. 3:16-cv-03561-JMC

v.

UNITED STATES OF AMERICA,
Defendant.

WILLIAM JONES ANDREWS, JR., et al.,
Plaintiffs,

Case No. 3:16-cv-03702-JMC

v.

UNITED STATES OF AMERICA,
Defendant.

KINGS GRANT OWNERS' ASSOCIATION, INC.,
Plaintiff,

Case No. 3:16-cv-00289-JMC

v.

UNITED STATES OF AMERICA,
Defendant.

AGEE, et al.,
Plaintiffs,

Case No. 3:17-cv-00716-JMC

v.

UNITED STATES OF AMERICA,
Defendant.

FOURTH AMENDED CONFERENCE AND SCHEDULING ORDER

Pursuant to the Federal Rules of Civil Procedure and the Local Civil Rules of this Court, the following schedule is established for this case.

1. The parties shall file and serve a document identifying by full name, address, and telephone number each person whom each party expects to call as an expert at trial regarding the liability portion of the case and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **October 30, 2017** (Fed. R. Civ. 26(a)(2)).¹
2. The parties shall serve any rebuttal expert reports pursuant to Fed. R. Civ. P. 26(a)(2)(D)(ii), and, if necessary, file and serve a document identifying by full name, address, and telephone number each person not previously disclosed whom each party expects to call as an expert at trial regarding the liability portion of the case by **December 28, 2017**.
3. Discovery regarding the liability portion of the case shall be completed no later than **February 14, 2018**. Discovery shall be deemed completed within this time only if discovery is initiated at such time as to afford the responding party the full time provided under the applicable rule of the Federal Rules of Civil Procedure in which to respond prior to the discovery completion date noted in this paragraph.

(The parties may, with the consent of all counsel, conduct discovery up to the time of trial, provided the deadlines in this order are not affected.)

¹ Concurrent with the identification of each expert and subject matter, each party shall serve (but not file): 1) a complete copy of the most current curriculum vitae of each expert or a detailed summary of his qualifications to testify on each identified subject; 2) (a) a complete statement of all opinions to be expressed by each expert and the basis and reasons therefor; (b) the data and other information considered by the expert in forming the opinions; (c) any exhibits to be used as a summary of or support for the opinions; and (d) citations of any treatise, text or other authority upon which each expert especially relied; and 3) a copy of each expert's report if a report has been prepared.

4. Mediation, pursuant to Local Civil Rules 16.04 - 16.12, shall be completed as follows:

As to *Cohen et. al.*, and *Brown et. al.*,— on or before **December 30, 2017**; and

As to all other Plaintiffs on or before **March 20, 2018**.

5. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial of the liability portion of the case no later than **March 15, 2018**. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
6. All other motions, except (a) those relating to the admissibility of evidence at trial and (b) those to compel discovery, shall be filed no later **March 15, 2018** (Fed. R. Civ. P. 16(b)(2)). See below ¶ 9 for motions in limine deadline.
7. No later than **June 7, 2018**, the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(4).
8. Motions in limine must be filed at least one week prior to date of trial of the liability portion of the case.
9. Parties shall furnish the Court pretrial briefs seven (7) days prior to the date set for trial of the liability portion of the case (Local Civil Rule 26.05). Attorneys shall meet at least seven (7) days prior to the date set for trial for the purpose of exchanging and marking all exhibits. See Local Civil Rule 26.07.
10. This case is subject to being called for trial of the liability portion of the case on or after **July 8, 2018**.
11. Upon entry of the Court's findings and facts and conclusion of law on the issue of liability ("Liability Decision"), discovery may begin as to the damages portion of the case.

12. Plaintiff(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Plaintiff(s) expects to call as an expert at trial regarding the damages portion of the case and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) has been disclosed to other parties by **October 11, 2018**. (Fed. R. Civ. 26(a)(2)).
13. Defendant(s) shall file and serve a document identifying by full name, address, and telephone number each person whom Defendant(s) expects to call as an expert at trial regarding the liability portion of the case and certifying that a written report prepared and signed by the expert pursuant to Fed. R. Civ. P. 26(a)(2)(B) or, where allowed, a report prepared by counsel has been disclosed to other parties by **November 8, 2018**.
14. Discovery regarding the damages portion of the case shall be completed no later than **December 27, 2018**. Discovery shall be deemed completed within this time only if discovery is initiated at such time as to afford the responding party the full time provided under the applicable rule of the Federal Rules of Civil Procedure in which to respond prior to the discovery completion date noted in this paragraph.

(The parties may, with the consent of all counsel, conduct discovery up to the time of trial, provided the deadlines in this order are not affected.)

15. A second mediation shall be completed in this case on or before **January 17, 2019**.
16. Counsel shall file and serve affidavits of records custodian witnesses proposed to be presented by affidavit at trial of the damages portion of the case no later than **January 10, 2019**. Objections to such affidavits must be made within fourteen (14) days after the service of the disclosure. (See Fed. R. Evid. 803(6), 902(11), or 902(12) and Local Civil Rule 16.02(D)(3)).
17. All other motions, except (a) those relating to the admissibility of evidence at trial and (b) those to compel discovery, shall be filed no later than **January 8, 2019** (Fed. R. Civ. P. 16(b)(2)). See below ¶ 20 for motions in limine deadline.
18. No later than **February 7, 2019**, the parties shall file and exchange Fed. R. Civ. P. 26(a)(3) pretrial disclosures. Within fourteen (14) days thereafter, a party shall file and exchange Fed. R. Civ. P. 26(a)(3) objections, any objections to use of a deposition designated by another party and any deposition counter-designations under Fed. R. Civ. P. 32(a)(4).

19. Motions in limine must be filed no later than **March 20, 2019**.
20. Parties shall furnish the Court pretrial briefs seven (7) days prior to the date set for trial (Local Civil Rule 26.05). Attorneys shall meet at least seven (7) days prior to the date set for trial for the purpose of exchanging and marking all exhibits. See Local Civil Rule 26.07.
21. This case is subject to being called for a trial on the issue of damages on or after **April 15, 2019**.

The court directs the parties' attention to Local Rule 7.00 which governs motion practice. Hearings on motions are not automatic. The court may decide motions without a hearing. If a party opposes a motion which has been filed, that party must file a response to the opposed motion within fourteen (14) days of the date the motion was filed. If no such response in opposition is filed, the court will assume that the party consents to the court's granting the motion.

NOTICE: You are expected to be available for trial of this case during the months of July 2018 for liability and April 2019 for damages unless the court notifies you of a later date. If you presently have a conflict during either of these months, notify the court in writing within seven (7) days of the date of this order. You will not be excused without leave of court.



Honorable J. Michelle Childs
United States District Judge

Dated: 7/28/2017
Columbia, South Carolina

Pursuant to Local Civil Rule 83.I.08, this order is being sent to local counsel only.